THE HON'BLE SRI JUSTICE D.S.R.VARMA
AND
THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

Taken up Writ Petition No.24730 of 2005

Date: 22-01-2007

Between:

J.Rajesh Khanna @ Raj Kumar,
S/o. R.Jayaraman, C.T.No.4914,
Central Prison, Visakhapatnam,
Visakhapatnam District.

… Petitioner/s

And

The Superintendent,
Central Prison, Visakhapatnam,
Visakhapatnam District and others.

… Respondent/s

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ORAL ORDER: (per the Hon'ble Sri Justice D.S.R. Varma)

Heard the learned Government Pleader for Home, representing the learned Advocate General, appearing for the respondents.

2. This writ petition is taken up on the basis of the letter, dated 02-11-2005, from Sri J. Rajesh Khanna @ Raj Kumar, son of R.Jayaraman, C.T.No.4914, Central Prison, Visakhapatnam, addressed to the Hon'ble the Chief Justice, High Court of Andhra Pradesh, Hyderabad, alleging that the Superintendent of the Central Prison, Visakhapatnam, has been encouraging and forcing the prisoners and the prison inmates to smoke cigarettes and beedies mixed with drugs like Ganja and Khainy within the jail premises.

3. The first respondent, Superintendent of Central Prison, Visakhapatnam, has filed the counter affidavit denying all the averments in the complaint.

4. No doubt, smoking cigarettes is a forbidden activity in the jail premises, except in the identified areas. This prohibition is explicit in Rule 488 of the Andhra Pradesh Prison Rules, 1979
(for brevity 'the Rules'). However, the truth or otherwise of the allegations made in the complaint cannot be decided by this Court.

5. Therefore, suffice to close the writ petition with a direction to the respondents to take all necessary steps to strictly implement Rule 488 of the Rules in letter and spirit. Contravention, if any, can be brought to the notice of the Inspector General of Prisons, Andhra Pradesh, Hyderabad, for taking appropriate action.

6. With the above observations and direction, the writ petition is closed. However, there shall be no order as to costs.

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JUSTICE D.S.R.VARMA

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JUSTICE P.LAKSHMANA REDDY

22-01-2007.
Msr.

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(Msr)